

#12

## ARNOLD &amp; PORTER LLP

202.942.5000  
202.942.5999 Fax555 Twelfth Street, NW  
Washington, DC 20004-1206

## Fax Transmittal

July 21, 2004

RECIPIENT NAME(S)	RECIPIENT FAX NUMBER(S)	RECIPIENT TELEPHONE NUMBER(S)	RECIPIENT ROOM #(S)
PCT Legal Office	(703) 308-6459	(703) 305-0045	
SENDER	SENDER'S TELEPHONE NUMBER	SENDER'S ROOM NUMBER	
Milan M. Vinnola	202-942-6111	979	
CLIENT/MATTER NUMBER	TIMEKEEPER NUMBER	NUMBER OF PAGE(S)	
Our Ref.: 18528.001	5110	We are transmitting 18 page(s) (including this cover sheet)	
TRANSMISSION DEADLINE (DATE & TIME)		ALTERNATE TELEPHONE NUMBER (OPTIONAL)	
This document must be transmitted no later than: July 21, 2004 - ASAP		Alternate telephone number at which the sender can be reached if there are difficulties with this fax: Pamela J. Morris - (202) 942-5138	
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*E. H.*

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21 JUL 2004

Legal Staff  
International Division

## PRIVILEGED AND CONFIDENTIAL

Information intended only for the use of the addressee named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, please note that any dissemination, distribution or copying of this communication is strictly prohibited. Anyone who receives this communication in error should notify us immediately by telephone and return the original message to us at the above address via the U.S. Mail.

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ARNOLD & PORTER LLP

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202.942.5000  
202.942.5999 Fax555 Twelfth Street, NW  
Washington, DC 20004-1206

July 21, 2004

**PCT Legal Office**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Re: U.S. Patent Application No. 09/554,533  
Filed: July 11, 2002  
Based on International Application No. PCT/US98/24210  
Filed: November 13, 1998  
Applicants: Nigel Robert Arnold BEELEY *et al.*  
For: *Novel Exendin Agonist Compounds*  
Atty Docket: 18528.016 / 238/086 PCT

Sir:

The following documents are forwarded herewith for appropriate action by the U.S.  
Patent and Trademark Office (PTO) as receiving office for the PCT:

1. Status Inquiry;
2. Copy of Notification of Abandonment mailed September 18, 2001;
3. Copy of Petition for Revival of Abandoned Application under 37 CFR § 1.137,  
and a copy of Transmittal of Missing Requirements and associated documents  
previously submitted on July 11, 2002;
4. Copy of Decision on Petition mailed August 19, 2002;
5. Copy of Revocation of Prior Power of Attorney, Appointment of New Attorneys  
of Record and Change of Correspondence Address previously submitted on  
February 26, 2003;

Applicants do not believe any fees are due in conjunction with this filing. However, if  
any fees are required in the present application, including any fees for extensions of time, then  
the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit

I hereby certify that the above-listed documents are being facsimile  
transmitted to the attention of the PCT Legal Office via facsimile number  
(703) 308-6459.

  
Milan M. Vinnola (Reg. No. 45,979)

July 21, 2004  
Date

---

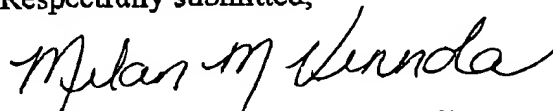
ARNOLD & PORTER LLP

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Commissioner for Patents  
Atty. Docket: 18528.016 / 238/086 PCT  
BEELEY *et al.*  
Page 2

Account No. 50-2387, referencing matter number 18528.001. A duplicate copy of this letter is enclosed.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Milan M. Vinnola".

David R. Marsh (Reg. No. 41,408)  
Milan M. Vinnola (Reg. No. 45,979)

Attachments

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Nigel Robert Arnold BEELEY *et al.*

Appln. No.: 09/554,533

Filed: July 11, 2002

Based on International Appln. No.  
PCT/US98/24210

International Filing Date: November 13, 1998

For: *Novel Exendin Agonist Compounds*

Group Art Unit: 1646

Examiner: To be assigned

Docket No.: 18528.016 / 238/086 US

**STATUS INQUIRY****Mail Stop PCT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request the status of the above-referenced application.

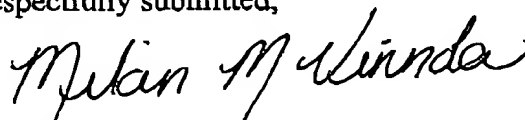
On September 18, 2001 the PTO issued a Notification of Abandonment indicating that the above-referenced application was abandoned for failure to respond to the Notification of Missing Requirements mailed June 14, 2000 (copy enclosed). In response to such Notification, Applicants submitted a Petition for Revival of Abandoned Application along with a Transmittal of Missing Requirements and associated documents in the U.S. Patent and Trademark Office on July 11, 2002 (copies enclosed). The PTO issued a Decision on Petition Under 37 C.F.R. 1.137(b) on August 19, 2002 (copy enclosed) granting the Petition to Revive and indicating that

U.S. Appln. No. 09/554,533  
BEELEY *et al.*

the above-referenced application was being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

Accordingly, please advise the undersigned as to the status of the above-referenced application. Enclosed are copies of a Revocation of Prior Power of Attorney, Appointment of New Attorneys of Record and Change of Correspondence Address previously submitted on February 26, 2003.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)

Milan M. Vinnola (Reg. No. 45,979)

Date: July 21, 2004

ARNOLD & PORTER LLP  
555 Twelfth Street, N.W.  
Washington, D.C. 20004-1206  
(202) 942-5000 telephone  
(202) 942-5999 facsimile



UNITED STATES DEPARTMENT OF COMMERCE  
 Patent and Trademark Office  
 Address: ASSISTANT COMMISSIONER  
 Box PCT  
 Washington, D.C. 20231

FOR PATENTS

U.S. APPLICATION NO. 09/554533	FIRST NAMED APPLICANT BEELEY	ATTY. REF. NO. 238/086 PCT/
		INTERNATIONAL APPLICATION NO. PCT/US98/24210
CHARLES S BERKMAN LYON & LYON 633 WEST FIFTH STREET SUITE 4700 LOS ANGELES, CA 90071		LA. FILING DATE 13 NOV 98
		PRIORITY DATE 14 NOV 97
DATE MAILED: 18 SEP 2001		

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as

☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has made the following determination:

- ☐ Applicant's letter of express abandonment received \_\_\_\_\_ is in compliance with CFR 1.138 and is hereby acknowledged.
- ☐ Applicant has failed to provide the full U.S. Basic National Fee by ☐ 20 months (37 CFR 1.494(b)(2)), ☐ 30 months (37 CFR 1.495(b)(2)).
- ☒ Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 14 JUN 2000 within the time period set therein.
- ☐ Applicant has failed to properly respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed \_\_\_\_\_ within the time period set therein. See the attached NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916).
- ☐ Other.

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SEP 29 2001

Brobeck, Phleger &amp; Harrison LLP

Therefore, the above identified application failed to meet the requirements of 35 U.S.C 371 and 37 CFR ☐ 1.494, ☒ 1.495 and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

Paulette Kidwell, Paralegal

Telephone: 703-305-3656

FORM PCT/DO/EO/909 (May 1993)

 RECEIVED  
 SEP 27 2001

Patent  
030639.0043.UTL2

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Beeley et al.

U.S. Application Serial No.: 09/554,533

International Application No.: PCT/US98/24210

International Filing Date: November 13, 1998

Group Art Unit: To Be Assigned

Examiner: To Be Assigned

For: NOVEL EXENDIN AGONIST  
COMPOUNDSPETITION FOR REVIVAL OF ABANDONED  
APPLICATION UNDER 37 CFR §1.137Box DAC  
Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

A Notification of Abandonment was mailed from the Patent Office for the above-captioned application on September 18, 2001. Applicants hereby petition for revival of this application under 37 C.F.R. §1.137(b), as the entire delay in filing the required reply from the due date for the reply until the filing of this grantable petition under 37 C.F.R. §1.137(b) was unintentional. As this application was filed after June 8, 1995, it is believed that a terminal disclaimer is not required with this petition. Enclosed with this petition is a response to the Notification of Missing Requirements. The Patent Office is also authorized to charge the small entity fee of \$640 set forth in 37 C.F.R. §1.17(m), which is required for filing this petition, to Deposit Account Number 50-1273.

Respectfully submitted,

Beeley et al.

Dated: July 11, 2002By: Lisa M. McGeehanLisa M. McGeehan  
Reg. No. 41,185BROBECK, PHLEGER & HARRISON LLP  
12390 El Camino Real  
San Diego, CA 92130  
Phone (858) 720-2584  
Fax (858) 720-2555CERTIFICATE OF TRANSMISSION  
(37 C.F.R. §1.8)

I hereby certify that this paper, as well as those papers referenced herein, is being transmitted to the United States Patent and Trademark Office on the date shown below via facsimile.

Date of Deposit July 11, 2002Lisa M. McGeehan  
Lisa M. McGeehan

Patent  
030639.0043.UTL2

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Beeley et al.

U.S. Application Serial No.: 09/554,533

International Application No.: PCT/US98/24210

International Filing Date: November 13, 1998

Group Art Unit: To Be Assigned

Examiner: To Be Assigned

For: NOVEL EXENDIN AGONIST  
COMPOUNDS

## TRANSMITTAL OF MISSING REQUIREMENTS

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

## Documents Enclosed:

In response to the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN  
THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US), which was mailed  
by the Patent Office on June 14, 2000 enclosed are:

- ☒ Declaration executed by named inventors;
- ☒ Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States  
Designated/Elected Office (DO/EO/US); and
- ☒ Grant of Power of Attorney.

The Commissioner is authorized to charge Counsel's Deposit Account No. 50-1273 for any  
fees required, including the surcharge for providing the oath or declaration later than the appropriate 20 or 30  
months from the priority date (37 C.F.R. 1.492(c)).

Respectfully submitted,

Dated: July 11, 2002By: Lisa M. McGeehanLisa M. McGeehan  
Reg. No. 41,185

BROBECK, PHLEGER & HARRISON LLP  
12390 El Camino Real  
San Diego, CA 92130  
Phone (858) 720-2584  
Fax (858) 720-2555



07/03/2002 10:36 FAX 858 720 0055

BROBECK SD

002

JUL-03-2002 WED 10:30 AM

FAX NO

94537210

P. 02

JUL 01 2002 17:18 FR BROBECK

Patent  
030639.0043.UTL2**DECLARATION**  
**Utility Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention NOVEL EXENDIN AGONIST COMPOUNDS, the specification of which

(Check One)

☐ is attached hereto OR☒ was filed on November 13, 1998 as United States Application Serial No.                    ; PCT International Application No. PCT/US98/24210  
and was amended on                      (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date
60/065,422	11/14/1997

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.66 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date	Status: Patented, Pending or Abandoned

Residence, post office address, citizenship and signature of inventor(s) set forth below.

C:\NTPort\BROBECK\145LW48581\_1.DOC

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BROBECK SD

003

JUL-03-2002 WED 10:31 AM

FAX NO.

P. 03

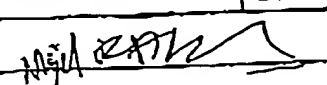
TO 94537218

P.04

JUL 01 2002 17:18 FR BROBECK

Patent  
030639.0043.UTL2

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	FIRST Name Nigel	MIDDLE Robert Arnold	LAST Name Beeley	
	RESIDENCE & CITIZENSHIP	City Solana Beach	State or Foreign Country CA		Country of Citizenship United Kingdom
	POST OFFICE ADDRESS	227 Loma Corta Dr.	City Solana Beach	State or Country CA	Zip Code 92076
INVENTOR'S SIGNATURE 					DATE 07/08/02

202	FULL NAME OF INVENTOR	FIRST Name Kathryn	MIDDLE Susan	LAST Name Prickett	
	RESIDENCE & CITIZENSHIP	City San Diego	State or Foreign Country CA		Country of Citizenship USA
	POST OFFICE ADDRESS	7612 Trallobush Terrace	City San Diego	State or Country CA	Zip Code 92126
INVENTOR'S SIGNATURE _____					DATE _____

Patent  
030639.0043.UTL2

### DECLARATION Utility Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention NOVEL EXENDIN AGONIST COMPOUNDS, the specification of which

(Check One)

☐ is attached hereto OR

☒ was filed on November 13, 1998 as United States Application Serial No. \_\_\_\_\_; PCT International Application No. PCT/US98/24210 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date
60/065,422	11/14/1997

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date	Status-Patented, Pending or Abandoned

Residence, post office address, citizenship and signature of inventor(s) set forth below. ~

Patent  
030639.0043.UTL2

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	FIRST Name Nigel	MIDDLE Robert Arnold	LAST Name Beeley	
	RESIDENCE & CITIZENSHIP	City Solana Beach	State or Foreign Country CA		Country of Citizenship United Kingdom
	POST OFFICE ADDRESS	227 Loma Corta Dr.	City Solana Beach	State or Country CA	Zip Code 92075
INVENTOR'S SIGNATURE _____				DATE _____	

202	FULL NAME OF INVENTOR	FIRST Name Kathryn	MIDDLE Susan	LAST Name Prickett	
	RESIDENCE & CITIZENSHIP	City San Diego	State or Foreign Country CA		Country of Citizenship USA
	POST OFFICE ADDRESS	7812 Trailbush Terrace	City San Diego	State or Country CA	Zip Code 92126
INVENTOR'S SIGNATURE <u>Kathryn S. Prickett</u>				DATE <u>7/3/02</u>	

09/554,533



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

09/554,533

N

238/086 PCT/

U.S. APPLICATION NO.	INVENTOR NAME(S) APPLICANT	ATTY. DOCKET NO.
	5611	PCT/US98/24210
INTERNATIONAL APPLICATION NO.		
P.A. FILING DATE: 06/14/00 PRIORITY DATE: 10/97		
DATE MAILED: 06/14/00		

CHARLES S BERKMAN  
LYON S LYON  
633 WEST FIFTH STREET  
SUITE 4700  
LOS ANGELES CA 90071

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
- ☒ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application in:
  - ☐ a non-English language.
  - ☒ English.
- ☒ Translation of the international application into English.
- ☐ Oath or Declaration of inventor(s) for DO/EO/US.
- ☐ Copy of Article 19 amendments.
- ☐ Translation of Article 19 amendments into English.
- ☐ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Translation of Annexes to the International Preliminary Examination Report into English.
- ☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_.
- ☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.
- ☐ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☐ Substitute specification filed \_\_\_\_\_.
- ☐ Verified Statement Claiming Small Entity Status.
- ☐ Priority Document.
- ☒ Copy of the International Search Report ☐ and copies of the references cited therein.
- ☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventor(s), in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
  - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice *MUST* be returned with this response.**

Enclosed:

- ☐ PCT/DO/EO/917
- ☐ PTO-875

☐ Notice of Defective Translation

FORM PCT/DO/EO/905 (December 1997)

*P.K.*  
*Paulette Kidwell Paralegal*  
Telephone: 703-305-3656



19 AUG 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

BROBECK, PHLEGER & HARRISON, LLP  
12390 EL CAMINO REAL  
SAN DIEGO, CA 92130

In re Application of  
BEELEY et al.

Serial No.: 09/554,533

PCT No.: PCT/US98/24210

Int. Filing Date: 13 November 1998

Priority Date: 14 November 1997

Attorney's Docket No.: 030639.0043.UTL2

For: NOVEL EXENDIN AGONIST COMPOUNDS

:  
:  
:  
: DECISION ON PETITION

:  
: UNDER 37 CFR 1.137(b)

This is a decision on applicants' "Petition for Revival of an Abandoned Application Under 37 CFR 1.137(b)" in the above referenced application. The petition was filed on 11 July 2002 in the United States Patent and Trademark Office (USPTO). A petition fee of \$640 is required and charged to applicant's deposit account. This is also in response to applicant's "Communication" filed on 15 July 2002 and "Right of Assignee to Take Action Under 37 CFR§3.73" filed on 01 August 2002 along with a copy of the executed assignment..

### BACKGROUND

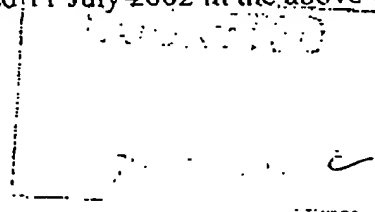
On 14 June 2000, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants indicating that the oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and surcharge for filing the oath or declaration after the thirty month period was required.

On 18 September 2001, after the period within which to respond to the Form 905 expired, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicants indicating that applicants had failed to respond to the Notification of Missing Requirements and that the application was considered abandoned.

On 11 July 2002, applicants responded to the Notification of Abandonment with the instant petition to revive the abandoned application and with a declaration executed by the inventors. The declaration, which accompanied the response, referenced international application no. PCT/US98/24210.

### DISCUSSION

The petition to revive under 37 CFR 1.137(b) filed 11 July 2002 in the above-captioned application is hereby granted as follows:



Application No.: 09/554,

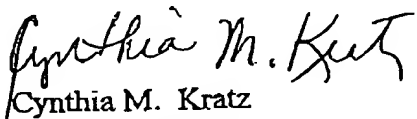
Applicants' statement that international application that "entire delay in filing the required reply from the due date for the reply until the filing of this grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of \$335 has been paid. The required petition fee of \$640 will be charged to applicants' deposit account per their authorization and thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. The \$65 surcharge for filing the declaration after the thirty month period will also be charged to applicant's deposit account.

### CONCLUSION

For the reasons stated above, the petition to revive under 37 CFR 1.137(b) filed 11 July 2002 in the above-captioned application is GRANTED.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing. The 35 U.S.C. 371(c) date is 11 July 2002.



Cynthia M. Kratz  
Attorney Advisor  
PCT Legal Office

Telephone: (703) 306-5467  
CMK:cmk

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Beeley *et al.*

Appln. No.: 09/554,533

Filed: November 13, 1998

For: NOVEL EXENDIN AGONIST  
COMPOUNDS

Art Unit: 1646

Examiner: To be assigned

Atty. 238/086 US

Docket:

Commissioner for Patents  
Washington, D.C. 20231TRANSMITTAL

Dear Sir:

Enclosed herewith for filing in the above-identified application is the following document:

- Revocation of Prior Power of Attorney, Appointment of New Attorneys of Record  
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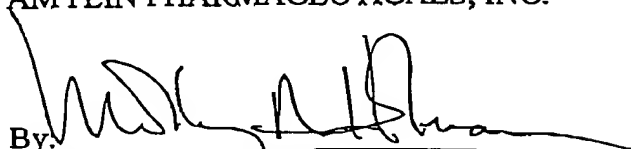
Respectfully Submitted,

AMYLIN PHARMACEUTICALS, INC.

Date:

2/26/03

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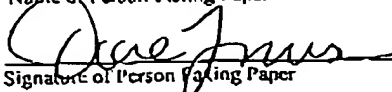
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Confirm. No.: 1938

**Revocation of Prior Power of Attorney, --  
Appointment of New Attorneys of Record and  
Change of Correspondence Address**Commissioner for Patents  
Washington, D.C. 20231

Sir:

Amylin Pharmaceuticals, Inc. is the assignee of the entire right, title and interest in the above-identified application by virtue of the assignment recorded on August 5, 2002 at the U.S. Patent and Trademark Office at Reel 013161, Frame 0499. The undersigned, having express authority to represent Amylin Pharmaceuticals, Inc. as assignee, hereby revokes all powers of attorney heretofore given in the above-captioned application and appoints the attorneys and agents listed below with full power of substitution, association, and revocation, to prosecute said application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

Appln. No. 09/554,533  
Atty. Docket: 238/086 US  
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